

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JEANETTE WOOLSEY, et al.,

Plaintiffs,

vs.

**1:17-CV-33
(TJM/DEP)**

DESIREE ANN MITZEL, et al.,

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

This *pro se* civil action, brought pursuant to 42 U.S.C. § 1983 and other state and federal statutes, alleges a variety of violations of Plaintiffs' rights as parents of a child removed from their custody. The matter was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated June 13, 2017, recommends that Plaintiffs' Second Amendment Complaint be dismissed without leave to re-plead and without prejudice to Plaintiffs refiling the action in a different forum, if appropriate. See *dk.* # 37.

Plaintiffs filed objections to the Report-Recommendation. See *dk.* # 39. When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo*" determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” See 28 U.S.C. § 636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

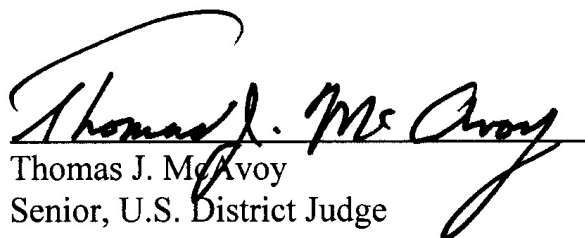
Having reviewed the record *de novo* and having considered the issues raised in the Plaintiffs’ objections, the Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the Report-Recommendation.

Therefore, the Plaintiffs’ objections to the Report-Recommendation of Magistrate Judge Peebles, dkt. # 39, are hereby **OVERRULED**. The Report-Recommendation, dkt. # 37, is hereby **ADOPTED**, and:

Plaintiffs’ Second Amendment Complaint is hereby DISMISSED without leave to re-plead but without prejudice to Plaintiffs re-filing the action in a different forum, if appropriate.

IT IS SO ORDERED.

Dated: July 11, 2017


Thomas J. McAvoy
Senior, U.S. District Judge